

Personal Affairs

Voting by Personnel of the Armed Forces

**Headquarters
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SUMMARY of CHANGE

AR 608-20

Voting by Personnel of the Armed Forces

This is a transitional reprint of this publication which places it in the new UPDATE format. Any previously published permanent numbered changes have been incorporated into the text.

Effective 15 September 1981

Personal Affairs

Voting by Personnel of the Armed Forces

By Order of the Secretary of the Army:

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The Adjutant General

History. This UPDATE issue is a reprint of the original form of this regulation that was published on 15 August 1981. Since that time, no changes have been issued to amend the original. This publication has been

reorganized to make it compatible with the Army electronic publishing database. No content has been changed.

Summary. This revision updates policy, responsibilities, and procedures for DA implementation of the Federal Voting Assistance Program. It also requires a report on the program (RCS: AG–805) to be submitted every 2 years. Changes conform with revised policies in DOD Directive 1000.4, “Federal Voting Assistance Program.”

Applicability. (See para 2.)

Army management control process.
Supplementation. This regulation will be supplemented at the major command level. HQDA agencies and major Army commands will furnish one copy of each to The Adjutant

General’s Office, HQDA (DAAG–PSI), WASH DC 20310.

Interim changes. Interim changes to this regulation are not official unless they are authenticated by The Adjutant General. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested improvements. The proponent agency of this regulation is The Adjutant General’s Office. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HQDA (DAAG–PSI), WASH DC 20310.

Distribution. Active Army: A; ARNG: None; USAR: A.

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*This regulation supersedes AR 608–20, 22 September 1971.

RESERVED

1. Purpose

This regulation provides basic voting information needed by all eligible—

- a. Persons in the U.S. Armed Forces or merchant marine.
- b. Civilians officially attached to and serving with the US Armed Forces outside the continental United States (OCONUS).
- c. Spouses or dependents accompanying persons covered in a and b above.

2. Applicability

- a. This regulation applies to all Active Army personnel.
- b. This regulation does not apply to the Army National Guard and the Army Reserve.

3. References

- a. *Required publications.*
 - (1) AR 190-47, the U.S. Army Correctional System. Cited in paragraph 11b.
 - (2) AR 380-200, Armed Forces Censorship. Cited in paragraph 6a(12).
 - (3) AR 600-20, Army Command Policy and Procedures. Cited in paragraphs 5e and 6b(14).
 - (4) DA Pam 360-503, Voting Assistance Guide. Cited in paragraph 9a(3).
- b. *Related publication.* AR 1-27, Elimination of Nonmission Related Functions at Company Levels.

4. Explanation of terms

- a. *Federal Voting Assistance Act of 1955.* Public Law 84-296, as amended by Public Laws 90-343, 90-344, and 95-593.
- b. *Overseas Citizens Voting Rights Act of 1975.* Public Law 94-203, as amended by Public Law 95-593.
- c. *Federal election.* Any general, special, or primary election held to select, nominate, or elect any candidate for—
 - (1) President, Vice President, or Presidential elector.
 - (2) The U.S. Senate or House of Representatives.
 - (3) Delegate from the District of Columbia.
 - (4) Resident Commissioner from the Commonwealth of Puerto Rico.
 - (5) Delegate from Guam or the Virgin Islands.
- d. *State election.* Any general, special, or primary election held to select, nominate, or elect any candidate for any State office. Examples of such offices are governor, lieutenant governor, and attorney general.
- e. *Local election.* An election at a lower level than a State election, such as a municipal, county, or township election.
- f. *Voter.* A person in one of the following categories who is authorized by law to vote, and is registered to vote in a primary, special, or general election:
 - (1) Members of the Armed Forces or merchant marine while in active service, and their spouses and dependents, wherever stationed.
 - (2) Other U.S. citizens residing outside the United States.
- g. *Voting residence.* The jurisdiction where the voter is registered to vote.

5. Department of the Army (DA) policy

- a. DA policy is to encourage and aid all voters under its jurisdiction to vote in Federal, State, and local elections. When practicable and compatible with military operations, all voters will be given the chance to register and vote in any election for which their state of voting residence has made absentee voting possible.
- b. No person will be ordered to vote or marched to the voting place; there will be no briefings which could imply coercion to vote, and no roster will be kept which could—
 - (1) Imply coercion to vote, or
 - (2) Show whether a person is planning to vote or did vote.
- c. At least one training period during each general election year will be devoted to insuring that all personnel understand their voting rights.

d. Each person will be given the chance to vote and the means to obtain an absentee ballot or to vote in person.

e. Each person will choose whether or not to vote, and the choice of candidates or proposals is strictly up to each person. No member of DA, acting in an official capacity, will try to influence any other person's choice. However, free discussions of political issues or candidates for public office are not to be limited. (See sec II, chap. 5, and app A and B, AR 600-20.)

f. Procedures for voting by State absentee ballot will be administered so that—

(1) Army members are thoroughly advised of their voting rights and responsibilities. Other voters will receive as much information as they wish.

(2) Members receive current voting information for their States, including election dates for Federal and State elections.

(3) Members are aided in the procedures of registration and voting. This includes furnishing the services of an officer or other official authorized to attest to required oaths.

(4) Members have a chance to vote in a way that safeguards the integrity and secrecy of their ballots. Wherever possible, a place will be provided where ballots may be marked in secret.

g. Any person who needs help in reading or understanding any English language material concerning voting or voter registration will receive immediate help; this help will be given in the appropriate language.

h. Commanders will decide what is compatible with military operations in any given situation; their decisions are final. In general, the voting provisions covered in this AR should be compatible with military operations wherever local conditions allow service members to prepare, send, and receive personal mail.

6. Responsibilities

Administration of the Voting Assistance Program, both in CONUS and OCONUS, is a command function.

a. Commanders at company level and above will appoint an officer, who is already trained or will be trained, as voting officer or counselor.

(1) The officer appointed should be—

(a) Expected to remain assigned through the election year. A voting officer or counselor who is scheduled for reassignment will be replaced before leaving.

(b) Readily available and equipped to give personal aid to voters for Federal, State, and local elections.

(2) It is DA policy to eliminate nonmission related functions at company level. (See AR 1-27.) To help commanders comply with the regulation, noncommissioned officers or civilians may be appointed as voting counselors below battalion level. However, State laws regarding who is authorized to administer oaths must be observed.

b. To the extent possible, all commanders will—

(1) Develop a voting action plan which—

(a) Emphasizes the ongoing nature of the Voting Assistance Program; the program continues from the first primary or special election through the general election in November.

(b) Should include provisions for State elections scheduled for years when no Federal elections occur.

(2) Transmit the general voting information distributed by the Department of Defense (DOD) and DA to their commands. Much of this information is distributed according to pinpoint account requirements for COMMANDERSCALL and safety posters. (See para 12.) Therefore, commanders must insure that—

(a) They have established a requirement for these materials on DA Form 12-4, and

(b) Their requirement is current.

(3) Bring specific information on elections in any State, the District of Columbia, the Territory of Guam, the Commonwealth of Puerto Rico, or the Virgin Islands to the attention of all personnel. This information is published from time to time by DOD and DA.

(4) Insure that enough SFs 76 (Post Card Registration and Absentee Ballot Request) are always available. These are for use in all

elections for which State laws allow absentee voting. They will be requisitioned from the U.S. Army AG Publication Center, Baltimore.

(5) Insure in-hand delivery of the SF 76 to all military voters for elections in which electors for President and Vice President, or Senators and Representatives are to be elected. (This includes delivery to dependent voters, and DA civilians overseas.) Public law requires in-hand delivery to all voters in the Armed Forces by 15 August if outside US territorial limits; delivery must be made by 15 September if inside US territorial limits.

(6) On request, provide an SF 76 to voters for use in any primary or special election.

(7) Insure that all use of SFs 76 is voluntary. No person will be required to prepare and submit an SF 76.

(8) Schedule special ceremonies and activities to emphasize the responsibility for voting. These observances should be held in conjunction with Armed Forces Voters Week; but they may also be held at other times.

(9) Insure that every voter has the chance to receive personal advice and help with absentee registration and voting procedures under State laws.

(10) Provide commissioned officers (or warrant and noncommissioned officers where authorized by State law) to attest to oaths on the SF 76 or ballot if requested.

(11) Insure that Army voters using the SF 76 or other ballot applications—

(a) Legibly complete all items, especially the space for home residence address. (This determines the precinct where the person is eligible to vote.)

(b) Print and sign their names clearly.

(c) Give the complete military address where they want the ballot mailed; this includes zip code, military organization, and APO address if applicable.

(12) Insure that if there is censorship in any area, censors are fully informed of censorship instructions concerning SFs 76 and envelopes containing State balloting material. (See AR 380-200.)

(13) On request, provide help for voters other than Army members who would not have an opportunity to vote otherwise.

(14) Direct the attention of all personnel to section II, chapter 5, and appendixes A and B, AR 600-200, concerning political activities of military personnel.

(15) Aid all Army voters in determining their voting residence; refer them to the Legal Assistance Officer as required.

(16) Insure that telephone operators at all military installations in their command are given the names and office telephone numbers of unit or installation voting officers or counselors.

c. Every person concerned with administering the Voting Assistance Program will take necessary steps to—

(1) Protect voters against coercion of any sort.

(2) Prevent fraud.

(3) Safeguard the integrity and secrecy of ballots cast.

7. Prompt handling of balloting material

a. Incoming and outgoing mail that can be identified as balloting material will be given prompt handling in postal channels. Voting material (cards or letters) will be postmarked and placed on top of letter packages when dispatched.

b. The Federal Voting Assistance Act provides that official postcards, ballots, voting instructions, and envelopes will be free of postage. (This applies whether mailed separately or in bulk.) This material is identified by two parallel, horizontal red bars, each 1/4 inch wide, crossing the card or envelope from one side to the other. The words, "OFFICIAL ELECTION BALLOTING MATERIAL—VIA AIR MAIL," or a similar statement prescribed by State law is printed between the bars; all printing on the face is in red.

8. Eligibility for absentee voting

a. State election officials determine the eligibility of a person to vote under laws of the State, and the validity of a State absentee ballot executed by the person. No DA member will make such determinations.

b. Persons unsure of their voting residence should consult their local voting or legal assistance officers. These officers will help determine if such persons meet residency and other voting requirements of a State.

9. How to obtain and vote by absentee ballot

a. Any U.S. citizen in the U.S. Armed Forces who wishes to vote by State absentee ballot should—

(1) Request an SF 76 from the unit commander or designated representative for primary or special elections. SFs 76 will be in-hand delivered for general elections.

(2) Complete the SF 76, following the printed instructions.

(3) Mail the SF 76 from a U.S. postal facility or from an American consulate or embassy to the proper election officials. (See DA Pam 360-503.)

(4) On receipt of the State absentee ballot, execute it immediately following the instructions from the State.

(5) Take the voters' oath, if required. Have an officer (or a warrantor noncommissioned officer, or other person where allowed by State law and shown on the ballot or instructions) attest to the oath.

(6) If the State balloting material is so firmly stuck together when received that it must be forced open, reclose the envelope in the most practical way after voting. Write the statement, "Envelope flap stuck when received, requiring forced opening before voting," on the back; the voter and the person attesting to the voter's oath must then sign the envelope. If State balloting instructions give a different procedure, the State instructions apply.

(7) Mail the ballot (and oath, if on a separate paper) to the address shown on the envelope or in the instructions.

b. If an SF 76 is not available, a letter may be used to apply for a State absentee ballot. Such a letter should contain the same information as the SF 76 requires and should be mailed as directed in a(3) above. If a plain envelope is used, it should be marked "Expedite—Official Election Balloting Material Inclosed."

10. Voting action line

The Adjutant General's Office will set up a "voting action line." This service will aid voting officers who may encounter problems with their voting programs. MACOM voting officers are encouraged to set up similar action lines to respond rapidly to voting problems as they arise.

11. Voting by sentenced prisoners

a. The status of sentenced prisoners may affect their eligibility to vote; therefore, election officials will be advised when a prisoner executes an application for an absentee ballot. The person who administers the oath of a prisoner applying for a ballot must deliver the application to the commander of the place of confinement. The commander will mail the application to its addressee in an official envelope. The commander will also sign a statement reading, "The soldier executing the enclosed application for a State absentee ballot is a sentenced prisoner. For further information write to Commander, (place of confinement)." This statement will be mailed with the application. The commander will promptly answer any specific inquiry by a State official as to the offense for which the sentenced prisoner was convicted. The answer will be detailed enough for the State to determine voting eligibility.

b. Provisions of AR 190-47 concerning inspection of prisoners' mail do not apply to official State ballots; nor does the regulation deny prisoners the same voting rights given other military personnel.

12. Information on elections

a. The Director, Federal Voting Assistance Program, is responsible for obtaining current absentee voting information from each State. (This responsibility is assigned by the Federal Voting Assistance Act and the Overseas Citizens Voting Rights Act.) Detailed information on absentee voting for primary, special, and general elections will be published in various DOD information media; these media include DOD pamphlets, DOD fact sheets, and DOD posters. The Chief of Public Affairs will assign a DA Pamphlet number to

DOD Pamphlets and fact sheets containing voting information, and a DA Poster number to DOD voting posters; these will then be distributed according to pinpoint account requirements for COM-requirements for COMMANDERS CALL and safety posters. All commanders will insure that they have established a requirement for COMMANDERS CALL and safety posters on DA Form 12-4; the requirement must be kept current.

b. Commanders will use the Command Information Program and its media to transmit DOD voting information.

c. Military personnel acting in an official capacity will not contact State election officials for general information on election procedures. Voting officers will send inquiries through command channels for information. Inquiries that cannot be answered at MACOM level may be sent to HQDA (DAAG-PSI), WASH DC 20310. This does not limit the right of individuals to make specific inquiries to officials in their home State about their voting privileges.

13. Polls, ballots, or straw votes

a. No one may conduct any poll among members of the US Armed Forces concerning their choices or votes for any candidates. (See 18 USC 596, quote in the app of this AR.) This restriction applies—

- (1) To written or oral polls;
- (2) Before or after members vote; and
- (3) Inside or outside the United States.

b. Surveys may be conducted by DA for statistical data needed to measure voting participation by DA personnel. No other poll, ballot, straw vote, or opinion research will be permitted among DA members unless specifically authorized by HQDA.

Appendix A

Statutory Restriction on Polling Members of the Armed Forces

Title 18, USC, Sec. 596, Polling Armed Forces

“Whoever, within or without the Armed Forces of the United States, polls any member of such forces, either within or without the United States, either before or after he executes any ballot under any Federal or Statelaw, with reference to his choice of or his vote for any candidate or states, publishes or releases any result of any purported poll taken from or among the members of the Armed Forces of the United States or including in it the statement of choice for such candidate or of such votes cast by any member of the Armed Forces of the United States, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.”

“The word “poll” means any request for information, verbal or written, which by its language or form of expression requires or implies the necessity of an answer, where the request is made with the intent of compiling the result of the answers obtained, either for the personal use of the person making the request, or for the purpose of reporting the same to any other person, persons, political party, unincorporated association, or for the purpose of publishing the same orally, by radio, or in written or printed form. June 25, 1948, c.645, 62 Stat. 720.”

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